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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 GEORGE L. VONTRESS

8 Plaintiff,

9 v.

10 STATE OF NEVADA, *et al.*,

11 Defendants.

Case No. 2:18-cv-01746-RFB-PAL

ORDER

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13 Before the Court is Plaintiff's Motion for Preliminary Injunction and Motion for
14 Temporary Restraining Order. ECF Nos. 2, 3. The Court held a hearing on October 2, 2018. The
15 Court does not have Plaintiff's medical records, which the Court requires to determine the merits
16 of Plaintiff's Motions. The Court makes the following findings of fact.

17 The Nevada Department of Corrections ("NDOC") contracts with CoreCivic to detain
18 inmates, including Plaintiff, at Saguaro Correctional Center ("SCC"). Contractor CoreCivic has
19 possession of Plaintiff's medical records. The NDOC and NDOC Director James Dzurenda have
20 the capacity and authority to direct CoreCivic to produce Plaintiff's medical records. These
21 records are readily available to be produced and copied. The NDOC and NDOC Director
22 Dzurenda are the official custodians of these medical records.

23 Counsel for the State of Nevada and NDOC Director Dzurenda requested the medical
24 records and has not yet received them. The Court finds no permissible basis for this failure. NDOC
25 Director Dzurenda, through Counsel, has known about the October 2, 2018 hearing regarding
26 injunctive relief for alleged deliberate indifference to Plaintiff's serious medical needs for over
27 two weeks. ECF No. 5. NDOC Director Dzurenda was therefore aware of the Court's need for
28 Plaintiff's medical records but has not secured and provided medical records to the Court. The

1 Court finds that a deadline for production of records accompanied by monetary sanctions is
2 therefore appropriate and necessary given that this matter involves an ongoing medical issue where
3 Plaintiff alleges to be in significant and ongoing pain and where records have not previously been
4 made available to Counsel and the Court, despite the setting of the hearing.

5 Therefore,

6 **IT IS ORDERED** that the NDOC and NDOC Director Dzurenda shall provide Plaintiff's
7 medical records under seal or *in camera* to the Court by the close of business on October 12, 2018.
8 Counsel may submit these records by USB flash drive or by CD/DVD. **FURTHER**, if Plaintiff's
9 medical records are not produced by October 12, 2018, NDOC Director Dzurenda will be fined
10 \$1,000.00 per day beyond the October 12 deadline, absent some compelling reason.

11 **IT IS FURTHER ORDERED** that NDOC Director Dzurenda shall make Plaintiff's
12 medical file available to him for review.

13 **IT IS FURTHER ORDERED** that Defense counsel shall find out if the SCC facility has
14 Mr. Vontress's property (braces) in its possession and inform the Court by close of business on
15 October 12, 2018.

16 **IT IS FURTHER ORDERED** that the hearing is continued to October 17, 2018 at 10:00
17 AM in LV Courtroom 7C. The Court will arrange for Mr. Vontress's appearance at these
18 proceedings via video-conference.

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20 DATED: October 9, 2018.



21 **RICHARD F. BOULWARE, II**
22 **UNITED STATES DISTRICT JUDGE**
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